

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

CASE NO. 2:23-cr-00109-LK

Plaintiff,

ORDER CONTINUING PRETRIAL
MOTIONS DEADLINE AND
DISCHARGING ORDER TO
SHOW CAUSE

JOSEPH MICHAEL QUINCY
JEFFERSON,

Defendant.

This matter comes before the Court on the parties' responses to the Court's Order to Show Cause. Dkt. Nos. 51–52. On January 29, 2024, the Court granted Defendant Joseph Jefferson's unopposed motion to continue the trial date to September 30, 2024, but deferred ruling on Mr. Jefferson's motion to continue the pretrial motions deadline and ordered him to show cause why his failure to timely file a request for continuance should not constitute a waiver of pretrial objections. Dkt. No. 50 at 3 (citing *United States v. Ghanem*, 993 F.3d 1113, 1120 (9th Cir. 2021); Dkt. No. 30 at 1 n.1). The Court also directed the Government, to the extent it intends to file pretrial

1 motions, to show cause “why its failure to timely move for an extension of the pretrial motions
 2 deadline should not constitute a waiver of its Rule 12(b)(3) objections and requests.” *Id.*

3 On February 5, 2024, both parties timely responded to the Court’s order. *See* Dkt. Nos. 51–
 4 52. Counsel for Mr. Jefferson acknowledged his unawareness of the Court’s prior admonition
 5 about late-filed requests for continuances (issued before counsel’s appearance in this case), and
 6 conceded that he could have requested a brief extension of the pretrial motions filing deadline.
 7 Dkt. No. 51 at 2, 5.¹ The Government avers that it “did not take the position with the defense, or
 8 contemplate, that they had waived their Rule 12(b)(3) defenses, objections, and requests,” and asks
 9 that “the Court continue the pretrial motions deadline as to both parties, so that each party will be
 10 free to file such motions as may become warranted.” Dkt. No. 52 at 1–2. The Court appreciates
 11 counsels’ frankness, but cautions the parties that absent unusual circumstances, further late-filed
 12 motions to continue the pretrial motions deadline will be subject to the applicable law on waiver.

13 Accordingly, to serve the ends of justice, the Court DISCHARGES its January 29, 2024
 14 Order to Show Cause and GRANTS Mr. Jefferson’s request to continue the pretrial motions
 15 deadline to August 19, 2024.

16 Dated this 6th day of February, 2024.

17 

18 Lauren King
 19 United States District Judge

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21 ¹ Mr. Jefferson appears to conflate the Court’s authority to continue the pretrial motions deadline “at any time” with
 22 when he must make a request to continue the deadline. *See* Dkt. No. 51 at 8. Such a request cannot be made “at any
 23 time”; rather, absent good cause, the motion must be filed before the deadline set by the court. *See* Fed. R. Crim. P.
 24 12(c)(1)–(3); LCrR 12(b)(10) (“A motion for relief from a deadline should, whenever possible, be filed sufficiently in
 advance of the deadline to allow the court to rule on the motion prior to the deadline. Parties should not assume that
 the motion will be granted and must comply with the existing deadline unless the court orders otherwise.”). Indeed,
 the Court’s Standing Order for All Criminal Cases expressly requires that “[a]ll motions . . . be made prior to the
 pretrial motions deadline.” Dkt. No. 17 at 2.